

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH BAKER,

Defendant.

ORDER

01-cr-9-bbc

Defendant Kenneth Baker has moved pursuant to 18 U.S.C. § 3582 and Amendment 706 for a reduction in the sentence imposed on him on August 27, 2001 and amended on September 15, 2002. The motion will be denied. When defendant was sentenced, I was persuaded that he had conspired with others to distribute more than 30 kilograms of cocaine base in the Madison area. Amendment 706 does not reduce the offense level for crimes involving 4.5 kilograms or more of cocaine base.

The attribution of 30 kilograms to defendant and his conspiracy was a conservative estimate; the facts do not support a finding that defendant was responsible for less than 4.5 kilograms. Moreover, defendant was not a low-level player in the conspiracy but a mid-level distributor who provided a steady supply of cocaine base to the street dealers.

ORDER

IT IS ORDERED that defendant Kenneth Baker's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582 is DENIED.

Entered this 3d day of June, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge